

CERTIFICATE OF EXPRESS MAILING

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DATE OF DEPOSIT: January 16, 2004

I hereby certify that this transmittal and the documents referred to as enclosed therein are being deposited with the U.S. Postal Service in an envelope as "Express Mail Post Office to Addressee," under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Beverly A. Lee*

Beverly A. Lee

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mark R. Boeder

Appl. Serial No.: 10/622,678

Filed: July 17, 2003

For: CHRYSANTHEMUM PLANT NAMED  
'NIRVANA IMPROVED'

Group Art Unit: 1661

PTO Confirmation No.: 1363

Examiner: Unknown

Atty. Dkt. No.: 10451.0039.NPUS01

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

**MAIL STOP MISSING PARTS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application Filed Under 37 C.F.R. § 1.53(b), dated October 21, 2003, Applicants submit the following additional documents:

- ☒ Copy of the Notice to File Missing Parts of Nonprovisional Application;
- ☒ Plant Patent Application Declaration;

- ☒ \$130.00 for a late filing fee or oath or declaration surcharge under 37 C.F.R. § 1.16(e); and
- ☒ Petition for Extension of Time under 37 C.F.R. § 1.136;
- ☒ Return postcard.

The Commissioner is authorized to charge the \$130 late filing fee or oath or declaration surcharge under 37 C.F.R. §§ 1.16(e) to Deposit Account No. 50-1263 referencing docket number 10451.0039.NPUS01. Should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Deposit Account No. 50-1263 also referencing docket number 10451.0039.NPUS01.

Please date stamp and return the accompanying postcard to evidence receipt of these documents.

Please send all further correspondence to:

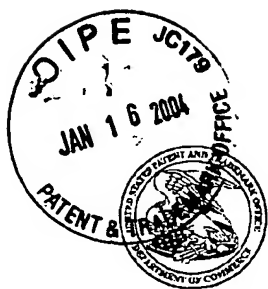
**Mark K. Dickson**  
**HOWREY SIMON ARNOLD & WHITE, LLP**  
301 Ravenswood Avenue  
Menlo Park, CA 94025  
Telephone: (650) 463-8100  
Facsimile: (650) 463-8400

Respectfully submitted,



Date: January 16, 2004

Mark K. Dickson (Reg. No. 32,889)  
HOWREY SIMON ARNOLD & WHITE, LLP  
301 Ravenswood Avenue  
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(650) 463-8100



## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/622,678	07/17/2003	Mark Roland Boeder	10451.0039.NPUS01

27194  
 HOWREY SIMON ARNOLD & WHITE, LLP  
 BOX 34  
 301 RAVENSWOOD AVE.  
 MENLO PARK, CA 94025

**RECEIVED****OCT 27 2003****Howrey - SV****CONFIRMATION NO. 1363****FORMALITIES LETTER**

\*OC000000011062938\*

Date Mailed: 10/21/2003

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

01/22/2004 3DIRETAI 00000003 083038 10622678

FILED UNDER 37 CFR 1.53(b)

01 FC:1051 130.00 DA

**Filing Date Granted****Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

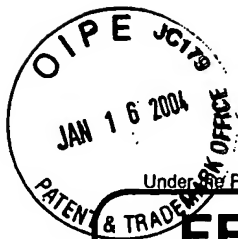
*A copy of this notice **MUST** be returned with the reply.*

T. Thomy

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 40.00

**Complete if Known**

Application Number	10/622,678
Filing Date	July 17, 2003
First Named Inventor	Mark R. Boeder
Examiner Name	
Art Unit	1661
Attorney Docket No.	10451.0039.NPUS01

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number  
08-3038Deposit Account Name  
Howrey Simon, et al.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$ )			

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ )

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	40.00
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 40.00

**SUBMITTED BY**

(Complete (if applicable))

Name (Print/Type)	Mark K. Dickson	Registration No. (Attorney/Agent)	32,889	Telephone	650-463-8234
Signature		Date	January 16, 2004		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.